SP-0649.1 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

John C. Nardi

Art Unit:

1745

Serial No.:

09/213,544

Examiner:

C. Chaney

Filed:

December 17, 1998

For:

Alkaline Cell Having a Cathode Incorporating Enhanced Graphite

DECLARATION UNDER 37 CFR §1.132

I, the undersigned, hereby declare:

- 1. I am the inventor of the above-identified patent application.
- 2. I am employed by the assignee in the above-identified application, Eveready Battery Company, Inc.
- 3. In making the invention disclosed in the present application, I worked with an expanded graphite manufacturer. That manufacturer provided samples S1-S17 disclosed in Fig. 4. That manufacturer also provided a description of their process for making expanded graphite, disclosed on pages 11-14 of the present application. That manufacturer did not disclose specific parameters or processing conditions correlating to samples S1-S17.
- 4. After making the invention disclosed in the present application, I contacted three other expanded graphite manufacturers in an attempt to find alternate sources for expanded graphite having a kerosene absorption value within the desired range. I provided each of them with the method of determining kerosene absorption, as disclosed in the present application, the desired kerosene absorption range of 2.2-3.5 ml/g and other desired expanded graphite properties. All three manufacturers subsequently provided samples of expanded graphites that were within the kerosene absorption range that I had specified.

The undersigned hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Sections 1001 of Title 18 of

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the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1745

C. Chaney